

See serial 107

11 March 1954

OGC Has Reviewed

Memorandum For: Chief of Administration, DD/P

Subject : Request for Government Shipment of Personal
Vehicle to [REDACTED] 25X1A6a

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1. This will acknowledge receipt of the memorandum of 9 March 1954 from Chief, SR/Administrative Staff, requesting that the personal vehicle of [REDACTED], SR Division, be shipped to [REDACTED] at Government expense. It is stated in the memorandum that the vehicle is required for operational purposes, that weather conditions are so severe that motor transportation from home to duty station is essential and that the use of a personal vehicle for operational purposes is more economical and creates fewer security problems.

2. Ordinarily transportation of private vehicles to stations overseas is made at Government expense under the authority contained in Public Law 110, Section 5(a)(1)(C). This section is not, however, applicable to the continental United States, its territories and possessions. When dealing with territories and possessions, transportation of private vehicles at Government expense can be made only in cases where there is a pressing operational necessity for the use of the vehicle. This is an operational determination to be made by the division concerned in each instance. Since the authority for such payments is supplied by section 10(a) of Public Law 110 and Confidential Funds Regulations 7.0, adopted pursuant to this section, the authorization is the exercise of a public trust and should be based only upon suitable showing of operational necessity.

3. Based on the foregoing, this office has no legal objection to the shipment at Government expense of [REDACTED] personal vehicle provided that the record includes a finding by the area division that the automobile is required for operational purposes. We recommend that a certificate to this effect be executed by an authorized

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approving officer as evidence of meeting the requirements of regulations. May we also add that our opinion in this and previous similar cases is based solely upon the element of operational necessity and is in no way a consequence of the other possible justifications outlined in the SR Division memorandum. Lack of public transportation and severity of weather conditions, while deserving of sympathy, are usually personal to the employee and cannot be made the basis for payment by the Government of the transportation of a private automobile, unless these factors bear a direct relation to some governmental function peculiar to this Agency.

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Office of General Counsel

OGC/TMF:cdg

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